

Remarks

In the non-final Office Action dated January 7, 2009, new grounds of rejection are presented: claims 1-3 stand rejected under 35 U.S.C. § 103(a) over Kennedy (U.S. Patent No. 5,125,105) in view of Tanaka (U.S. Patent No. 5,870,666) and Moers (U.S. Patent No. 6,957,053). Applicant addresses these rejections in the following discussion which does not acquiesce in any regard to averments in this Office Action (unless Applicant expressly indicates otherwise).

Applicant respectfully submits that the § 103(a) rejection of claims 1-3 cannot stand because the cited combination does not correspond to the claimed invention. Specifically, none of the cited references teach or suggest checking, a predetermined number of times, whether a FM signal has a signal strength greater than a FM threshold and whether the FM signal is in an automatic frequency control (AFC) window. Applicant recognized that by checking whether the FM signal meets both of these criteria multiple times before storing the frequency of the FM signal, the capture of random noise signals can be significantly mitigated. *See, e.g.*, paragraphs 0004, 0005 and 0007-0009 of Applicant's specification. Applicant submits that none of the cited references teach or suggest such aspects and thus the cited combination does not correspond to the claimed invention. Accordingly, Applicant requests that the § 103(a) rejection of claims 1-3 be withdrawn.

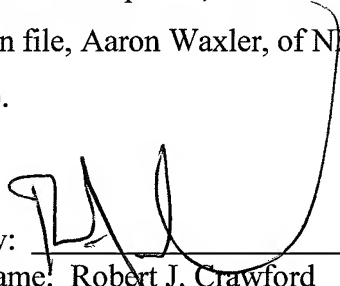
Applicant has added new claims 4-7, which depend from claim 1. As such, claims 4-7 are allowable over the cited references for at least the reasons discussed above. Applicant notes that support of claims 4-7 can be found throughout Applicant's disclosure including, for example, in paragraph 0013 of Applicant's specification.

In view of the remarks above, Applicant believes that each of the rejections has been overcome and the application is in condition for allowance. Should there be any remaining issues that could be readily addressed over the telephone, the Examiner is asked to contact the agent overseeing the application file, Aaron Waxler, of NXP Corporation at (408) 474-9063 (or the undersigned).

Please direct all correspondence to:

Corporate Patent Counsel
NXP Intellectual Property & Standards
1109 McKay Drive; Mail Stop SJ41
San Jose, CA 95131

CUSTOMER NO. 65913

By: 
Name: Robert J. Crawford
Reg. No.: 32,122
651-686-6633
(NXPS.597PA)